THE LEGISLATIVE ASSEMBLY

Sixty-third Day.

MONDAY, August 13.

The House met at 9 o'clock, the Presi dent, Hon. W. R. Castle, in the chair Absent: Ministers Green, Thurston Ashford: Nobles Robinson, Dowsett, Young, Jaeger, Smith, Foster, Wight, Notley, Wall, Townsend, Hitchcock, Bald-win, Bailey, Campbell, Widemann, Makee, Wilcox, Bertelmann; Reps. Hustace, Dowsett, Kalaukoa, Kauhi, C. Brown, F. Brown, Kinney, Maguire, Kauhane, Paris, Nawahine, Daniels, Wilcox, Nakaleka, Kupaehaole.

PETITIONS.

Noble Waterhouse presented a petition from S. H. Mekapu, supplementary to his petition or report of June 14. Referred to Sanitary Committee.

Rep. Helekunihi presented a petition from Huelo, Maui, for a wharf. Referred to Public Lands and Internal Improvements Committee.

REPORTS OF COMMITTEES.

Noble Smith read the report of the bill, introduced by Rep. F. Brown, July 2, to amend section 1,036 of the Civil Code. Recommend that the bill be laid on the table. Adopted.

ORDER OF THE DAY.

Coffee .- Second reading of the bill introduced by the Minister of Interior, June 30, to encourage the cultivation of coffee, with the majority and minority reports of the Committee thereon, presented respectively, July 21 and 23, thereon. The bill was ction by section Noble Baldwin moved the first section

Noble Wight moved the first section and the whole bill be indefinitely postponed. He supported the policy recommended in the minority report of the Committee, en-

couraging small growers by bounties.

Noble Baidwin approved of the principle of the bill. It is intended that a company, with sufficient capital, will be formed to test in a practical way the cultivation of coffee in this country. The company will introduce the best machinery, the latest improvements and the most approved methods. It would be impossible to reach these results by distributing aid among a large number of cultivators. Notwith-standing the fact that coffee has been raised here for 40 years, the industry is really in its infancy. Plantations pay twice as much, man for man, in wages now as they Plantations pay twice as did twenty years ago, and get lower prices, and yet the profits on sugar raising are generally speaking better now than they were then. The reasons are, better appli ances and more economical methods operating on a large scale and requiring capital to introduce and keep up. The United States had spent millions of dollars on sorghum farms for the development of that industry. The object of this measure is not, as some persons assert it is, to subsi-dize Mr. Forsyth. It is to encourage this important industry in the way most likely to be of permanent advantage to the country and at the smallest expense to the government. The bounty plan, to be of any effect, would involve hundreds of thousands of dollars. There is no estimat-ing where its cost would end. Noble Widemann was sorry that names

had been mentioned in this discussion. But since Mr. Forsyth's name had been mentioned, he would say that he believed the bill to be to encourage that gentleman and for no other purpose. Coffee grows on the tree and there is very little machinery required about it. Such is not the case with sugar. Coffee raising had been carried on here 40 years ago, and so profitable was it at Hanalei that one extensive cultivator invested and lost all he had in it. The plantation had all the machinery required, but the enterprise died an ignominious death. In 1850, 5, and 58, the blight struck the plant, and spread over the country. If the plant was generally started again it would be struck again in the same way. For these reasons he wanted to keep his hands off coffee. To say that the Government can stop the subsidy when it becomes burdensome, "that's all in my eye." The title of the bill should be changed to read for the encouragement of a certain company to cultivate coffee and not encourage anyone outside of that

company.

Noble Smith said he was in favor of the bill, for two reasons, (1) he believed in the future of this country, (2) the wealth and development of the country depends mainly on its agricultural industries. The Hon. W. H. Seward said in the U. S. Senate, in 1851: "The Pacific ocean, its shores its islands and the vast region beyond will become the chief theatre of events in the world's great hereafter". Before many years, steamers will be running from here to San Francisco in 45 days. In fact, there are steamers on the Atlantic now that would make the passage in that time. We are now depending on two or three industries. Great Britain and the United States are spending millions on the encouragement and development of new industries every year. The State of California, an empire in itself as to extent, owes its marvellous progress of late years, not to its gold mines, but to the development of its agricultural resources. There are other agricultural products that might be cultivated as profitably as cane or rice in these islands. Tobacco had been raised here and with excellent success, except that those working it had failed in properly curing it.
Minister Thurston said the hon. Noble Widemann's ideas seem to be always revolving within the circle of 40 years ago. The Noble's attack upon Mr. Forsyth was an attack upon him, the Minister. People had been experimenting a little and talking a great deal about coffee culture these 40 years. Now, we propose to ge ahead and do something. A majority of the committee and a majority of the House had agreed that coffee cultivation ought to be encour aged. The only question now is the method to be adopted. The provisions of this bill are in the line of the measures adopted by other countries. The reform Government has come into power for something more than stopping the Kaimiloa. The Government is not supposed to sit like an old hen on a nest and do nothing. The way to progress is to do something. The British Government had gone into tea raising in India, and now India is raising one-third of the tea crop of the world. That Government had in the same manner, at enormous outlay, made cinchona one of the great staples of India and Jamaica. Coffee can be raised here, and we propose to start

Noble Wight said he was anxious to encourage coffee cultivation but could not agree with the Munister of Interior that the best way to do it is to subsidize persons having espital enough of their own. Usual noon recess, one hour.

Afternoon.

The Coffee bill continued.

Noble Young said he was in favor of the bill, with perhaps amendments which Noble Smith would no doubt be able to supply. It would be of great advantage if people could see the necessary machinery and improvements in operation. Every small farmer in the country will be bene-

fited by the company's experience.

Noble Richardson thought it was time to get out of the old ruts and start something

Rep. Kauhane approved of the policy of the Government encouraging industries of this kind. He recalled a statement by Mr. Armstrong, years ago, that it is bad for the country to depend on one or two in-dustries. He had good hopes of the suc-cess of this industry when it is scientifi-cally gone into. As the coffee is generally worked now, no care is taken of the plants,

at once. He moved an amendment to sec-

tion I. Rep. Helekunihi said it is natural for people to look on any new thing with suspicion, which is particularly the case among Hawaiians. He approved of engaging in new enterprises.

Rep. Kinney said hundreds of thousands

of dollars had been sunk in sugar. It took 15 or 20 years to learn how to raise cane and get the sugar out of it. If the Government had started it, imported persons at first who understood it and introduced the best machinery, the result would have been different. Rep. Kamauoha's amendment was put

and lost. The motion to indefinitely postpone the first section and the bill was put and lost on the following division:

Ayes-Robinson, Waterhouse, Foster, Luhiau, Wight, Notley, Wall, Naone, Gay, Pachaole-10. Noes-Austin, Thurston, Young, Smith, Townsend, Hitchcock, Baldwin, Bailey, Richardson, G. N. Wilcox, Dole, Deacon,

Kamai, Kinney, Kauhane, Kamauoha, Paris, Daniels, Helekunihi, Horner, Kawainut, A. S. Wilcox, Rice—23. Clause 7 of Section 2 was referred to a

select committee, consisting of the Minister of Interior, Nobles Young, Smith and Dole, and Rep. Deacon. The remaining clauses and sections passed, when the further consideration was deferred to await the report of the

committee. Duties of Governors-Second reading of the bill to provide for the performance of duties hitherto pertaining to Governors, with amendments submitted by com-

Honolulu Street Railway-Third rea ling, under vote of reconsideration, 4th inst. Noble Young moved to strike out of sec tion 2, lines 5 and 6, the words "and their contract to abide by, observe and per-form." The amendment was withdrawn and the further consideration of the bill

mittee.

Sale of Ales, Wines and other Liquors-Second reading of the bill: to amend Sections 12 and 16 of Chapter XLIV. of the session laws of 1882, and to insert therein a new section to be called Section 16B. "Section 16b. No such licensed person shall place, maintain, or permit to be placed. upon the premises used by him for the sale of spirituous liquors, under the provisions of this license, any screen, bli shutter, curtain, partition, or painted, grained or stained glass window, or any other obstruction, in such a way as to in-terfere with a view of the business con-

ducted upon the premises."

Noble Smith moved to amend the clause making an exception in the case of hotels with regard to hours of closing. Carried. Rep. Kinney moved to strike out Section The discussion of this motion was in

progress when the House adjourned to 10 o'clock Tuesday morning.

Sixty-fourth Day.

TSESDAY, Aug. 14.

The House met at 10 o'clock a. m., the President, Hon. W. R. Castle, in the chair. Absent: Ministers Green, Thurston, Ashford: Nobles Dowsett, Jaeger, Young, Baldwin, Richardson, Campbell, Widenann, Makee, Bertelmann, Dole; Reps. Dowsett, C. Brown, Deacon, Kamai, Kinner, Manufac, Paris, Minutes, Manufac, Paris Kinney, Maguire, Paris. Minutes read and confirmed.

PETITIONS. Rep Nakaleka presented a petition from 22 occupants of the fish market, that the weekly and monthly rentals of stalls be abolished, and that the stalls be sold at public auction yearly instead of half-yearly Referred to Committee on Public Lands

Rep. F. Brown presented a petition from H. G. Crabbe, for \$300 compensation for services as a police officer. Referred to the Finance Committee.

REPORTS OF COMMITTEES. Rep. F. Brown reported a bill printed

NEW BILL. Noble Hitchcock read, a first time, by

title, a bill to encourage the cultivation and manufacture of ramie. ORDER OF THE DAY. Opium.-Third reading of the opium bill

(prohibitory). Passed. Sale of Ales, Wines, etc.—Second reading of the till relating to sale of liquors, con-taining the section, known as "the screen

Noble Waterhouse said he wanted to be placed on record as a supporter of this law for the purpose of restricting the liquor traffic, especially for the good of the native Hawaiian

Noble Townsend said if it is a matter of doubt whether the House ought to con-sider the liquor interest or the people's inierest, he would give the benefit of the doubt to the party who care for the home rather than to the party who care for the

Minister Thurston was for striking out the section. He believed in prohibition and he believed in temperance, but this is not the time for prohibition. There are broad constitutional questions to be settled in this country first, and it is foolish for those who are desirous of laying a solid foundation for the superstructure of the future Government to rest on to divide up on social questions. When the problems that agitated the whole community last year are permanently solved, it will be time to attend to matters of this kind. This bill does not abolish the saloon; it does not prohibit the liquor traffic. It is

simply nagging liquor dealers.

Minister Ashford said he would not have introduced this bill himself nor, if he had been consulted, would he have advised anyone else to do so. But it is here and it must be attended to. The provisions of this bill are in force in several of the United States. There are three questions on which he is determined to stand right, (1) temperance legislation, (2) responsible government. (3) Chinese restriction. And if he has to be snowed under he would rather have it on these questions than any other.

Noble Townsend said some members were tender on doing anything to offend the liquor interest, but considered it no inconsistency to do nothing to carry out the views of that portion of the citizens who are opposed to the saloon. He did not ome here to vote for his re-election. He would vote with a good deal of satisfaction for passing this act. Rep. Kamauoha believed in keeping up

the screens to keep persons out of temptation. Young people seeing the showy in-terior of the saloon from the street would be more apt to enter than to stay outside. Solomon says, "Look not on the wine when it is red." He thought Solomon had got it down to a pretty fine point and knew what he was talking about. And he did not want young people to have the chance of looking on the liquors on the saloon shelves. Noble Waterhouse puts his fine goods in show windows to attract buyers. and to take down the screens in bar rooms would be likely to have a similar effect.

Noble Waterhouse asked the Attorney seneral if his report was submitted to the Ministry before it was published? The Noble here read from the report, page 18. as follows; "I would also recommend an amendment to the present liquor law compelling the closing of all saloons at 10 o'clock, p. m., and that a trial of the antireen law be made in Honolulu Attorney-General-That is from the

Marshal's report. Noble Waterhouse-Yes, but it is sun posed to have been submitted to the Ministry. It should have been struck out then. Attorney-General—That report was not, so far as I recollect, submitted to the Min-

Rep. Helekunihi said he favored the bill. He wished to preserve the small remnant still existing of the Hawaiian race. Noble Young said he was an out and out semperance man, but be would have to

brains out. Persons who advocate untimely measures, however good, and get "snowed under" for their pains, seldom accomplish much. If this bill passes it will be the biggest stroke for the benefit of the whiskey ring that can be made. If it were possible, he would have a wall twenty teet high round every saloon, and no door in it either. He did not believe it would do any good to the youth of the com-munity to have saloon doors thrown open and the interior exposed to view. Let hell be closed out of sight. If the doings in saloons are to be opened to the eyes of our children, and to the eyes of simple-minded Hawaiians and Japanese, the effect must

be evil and not good.

He moved indefinite postponement. Rep. Kauhane was in favor of the bill as measure meant to control and regulate the traffic

Rep. F. Brown said that probably mem-bers of the House are not aware that there are a number of dives in Honolulu. And the effect of the clause in this bill compelling saloons to close at 10 o'clock will only be to give these dives an hour and a half longer to ply their business. Rep. Paehaole spoke in support of the

The motion to strike out section 16B was Ayes—Green. Thurston, Robinson,
Ayes—Green. Thurston, Robinson,
Young, Jaeger. Smith, Notley, Wall,
Bailey, Richardson, G. N. Wilcox,
Hustace, Kauhi, F. Brown, Deacon, Kinney, Kamanoha, Horner, Kawainui, A. S.
Wilcox, Nakaleka—21.
Noes—Austin, Ashford, Waterhouse,
Luhiau, Notley, Townsend, Hitchcock,
Dole Kalsukos, Naone Kaman, Kanhane.

Dole, Kalaukoa, Naone, Kamai, Kauhaue, Paris, Nawahine, Daniels, Helekunihi, Rice, Gay, Kapaehaole—19. Recess one and a half hour.

Afternoon.

Re-assembled at 1:30 o'clock.

Liquor bill, continued. Noble Waterhouse moved to strike out

section 9. Carried. The title was read, upon which Noble Hitchcock moved indefinite postponement. Carried.

This killed the bill. REPORTS OF COMMITTEES.

Noble Smith, on suspension of the rules, read a majority report of the Judiciary Committee on the bill to prevent married persons from deserting each other, recom-mending a substitute bill, which was read, a first time. The report and bill were laid on the table for future consideration. The same Noble read the report of the

Judiciary Committee on the bill, intro-duced July 17, by Rep. Paehaole, relating to practitioners in courts. Laid on the table to be considered with the bill. ORDER OF THE DAY. Duties of Governors.-Second reading of

the bill providing for performance of duties

heretofore pertaining to Governors. Minister Ashford moved amendments to section 3, which were adopted. Passed to engrossment, to be read a third

time on Wednesday.

The Election bill—The House went into Committee of the Whole, Noble Smith in the chair, on the Election bill. The committee to whom

this section was referred, 9th inst., reported the following, which was adopted: Section 15. In the Island of Hawaii there shall be seven districts as follows: First—Puna and all Hilo south of the bed of the Puhikai Gulch (between Kalalau and Vainaku), to be called the South Hilo

District. Second-From the Publikai Gulch to the ed of the Hakalau Gulch, to be called the Central Hilo District.
Third—From the Hakalau Gulch to the

bed of the Kalapahapuu Gulch in Hama-kua (between Kukaiau and Kainehe) to include all of Kukaiau, to be called the North Hilo District. Fourth-The remaining portion of Hamakua and South Kohala, to be called the Hamakua District.

orth Kohala, to be called the Kohala District. Sixth-North and South Kona, to be called the Kona District.

Seventh-Kau, to be called the Kau Dis-Section 31. Minister Thurston moved to amend by adding the words, "No person whose name does not appear on such reg-ister shall be allowed to vote. Carried. Rep. Paehaole moved to amend line 16, The Register of voters shall be open to

inspection to all persons at all times," by inserting "or their deputies" after "all persons." Lost. The section passed, as amended. Section 32. Noble Castle moved to amend

by striking out the third line and inserting instead, "And no elector shall be permitted to vote in any precinct other than that in which he resides." Carried. The section, so amended, passed.

Sections 33, 34, 36, 37, 39, 40, passed as in the bill. Section 35. Noble Castle moved to add the following: Such corrections shall in all cases be made during a regularly advertised meeting of the Inspectors, and be-fore an entry shall be made in the Registeg the reasons for such proposed entry shall be stated in the hearing of all persons present. Adopted.

The section, so amended, passed. Section 38. Noble Richardson moved to imend by inserting "ten" instead of 'twenty-five" in the sixth line, Lost. Noble Dole moved to insert, in the sixth ine, after the word "dollars," the words for candidate for Representative and fifty iollars for candidate for Noble." Carried, Minister Thurston claimed that the man-

ner in which the foregoing sections were put to Committee was out of order. The ruling of the chair was sustained. The section, as amended, passed. Section 41. Minister Thurston moved to strike out all after the word "edge" in the

ninth line. Carried. The section, as amended, passed. The Committee rose; the House re-sumed and adjourned to 10 o'clock Wednesday morning.

Sixty-fifth Day.

WEDNESDAY, Aug. 15. The House met at 10 o'clock, a. m., the

President, Hon. W. R. Castle, in the chair. Absent: Nobles Dowsett, Young, Jaeger, Foster, Wall, Campbell, Widemann, Makee, Wilcox, Bertelmann; Reps. Hustace, Dowsett, Kinney. Minutes read and con-REPORTS OF COMMITTEES.

Rep. F. Brown reported one bill printed. Noble Baldwin read the report of the Finance Committee on the Likelike funeral expenses. The report was accepted, ordered to be

translated and printed. Minister Thurston read the report of the Coffee bill amendments' committee. Laid hand, our Supreme Court is the final on the table to be considered with the bill. BILL AWAITING APPROVAL.

Minister Austin reported one bill sub mitted to the King for signature. ORDER OF THE DAY. Tax Assessors and Collectors-Third reading of the tax assessors and collectors

Minister Thurston moved an amendment providing that the Act take effect April I, 1889. Adopted. Passed as amended. Contempt of Court—Third reading of the bill: To define and limit the authority

of courts and judges to punish for con-

tempt in certain cases! The Attorney-General said that in cases involving scandal, this bill will give immunity to the press to publish proceedings which might be damaging to the character of litigants. He believed from an extensive examination of authorities that the worked now, no care is taken of the plants, they are left to take care of themselves.

Rep. Kamauoha was in favor of the bounty system. Its results would be seen the still greater power that exists in very few courts, of holding the position of trial sion of this bill is found in decisions given judges for all, jury cases, arising in the

in three cases within the past year and half. (The cases referred to were the Creighton contempt case, P. C. ADVERTISER; the Congdon case, Hawaiian Gazette, and the hinese women habeas corpus case, Daily

Hawaman Gazette.)
The Court had punished certain papers in Honolulu for contempt of Court. The papers raised a howl, and the howl was promptly echoed from Boston. And the members of the bar joined in with the newspaper men. Notwithstanding the howl, none of these gentlemen have been able to adduce a single authority or precedent against the position taken by the Court. They claimed that these decisions were based on moss-covered precedents. It is a curious fact, nevertheless, that we have a decision of exactly similar import, the one on which our Court chiefly relied, de-livered by the Vice Chancellor of England as late as 1872. The Court has seen fit to have more regard to the precedents of English Courts and the principle of English jurisprudence than to the opin-ions of Honolulu newspaper men or Hono-lulu barristers. These English precedents are invariably in the line that no news-paper shall shield itself behind the "librty of the press" from the consequences of publishing matter of a scandalous, libellous or otherwise unfair or injurious character. Similar doctrines have been main-tained in the Courts of the United States. We have a case in point in New Hamp shire, in which a newspaper was punished for publishing the proceedings in a case because the proceedings contained scan-dalous and libellous matter tending to prejudice a litigant in his reputation. was not always the speaker's good fortune to concur with the decisions of the Supreme Court nor was he able to agree with certain gentlemen of the bar. However, the Court and those who concur with it find themselves in harmony with the precedents and practice of Courts in England and the United States. He would not have things here as in the United States where a person coming into Court has absolutely no protection against being butchered by the press. He moved the bill be indefinpostnoned. Minister Thurston said if he had been

ignorant of the circumstances that caused this bill to be introduced he would have been carried away by the argument of the Attorney-General. But knowing what he did, there is not a bill in this House that he would take more solid satisfaction in vot-ing for. He was only sorry that he had not 48 votes and 48 more to cast in favor of it. The Attorney-General does not seem to have a very high opinion of the mempers of the bar, and no wonder, as he can-not find a single member of the bar who is not opposed to him, in this matter. In the first of these constructive contempt cases, Mr. Justice McCully filed a dissenting opinion which is as much stronger than that of the majority of the Court as blood is stronger than water. The Court had gone outside of the statute and dug up and adopted an obsolete principle of the English Courts. They had also cited with much unction an Illinois decision, from which they made elaborate extracts, and on which their decision mainly rested. Now, the joke of the thing is, that the Illinois Court itself a few years later reversed that decision. The effect of the decisions in our court has been that a reign of terror has prevailed here among newspapers. They were afraid to give the public information concerning the doings of courts, no matter how proper such information be, and due to the public as well. Court busi-ness was transacted with open doors, in the hearing of any one who might choose to be present. Newspapers could not give their readers the privilege of reading what anybody might hear, for the simple reason that they did not know when the court might come down on them for construc-tive contempt. In the Creighton case, the paper had printed a declaration without note or comment. The present Attorney-General, who had got his name up for that kind of thing, was retained by the government to assist in prosecuting R. J. Creighton for that publication. The result was the punishment of the editor by being mulct in the costs of the suit. In the Congdon case, one of the parties published a letter in the GAZETTE setting forth his version of how certain pigs had died or board a ship. The GAZETTE was prosecuted for contempt in publishing the letter, and put under penalties. In the Chinese wo men habeas corpus case, the Chinese Society issued a manifesto to their coun trymen, warning them against taking part with the Chinaman at whose instance the women were taken off the San Pablo. The manifesto was translated and printed in the daily GAZETTE, merely as a matter of news, without note or comment. The English version of this document was placed, before publication, in the hands of the Chief Justice, who was asked if there was anything wrong in publishing it; and as he offered no objections, it was published. Afterward the Court held that the publication was contempt. It is about time that we found out whether this is a free country with a free press or hot. am most heartily in favor of the bill and hope that with the exception of the At-

torney-General the House will unanimous

ly vote for it.

Rep. Kinney said: I do not know as I am a believer in Bishop's nerve wave theory or not, but however that may be, I confess I felt in my bones a few minutes ago as I was walking through the streets down town that somehow or other the press was being throttled, and when I got into the hall here just now I found my sensations confirmed by the facts and that the Attorney General had done his best to assist in the throttling process by moving the indefinite postponement of the contempt bill. There has been considerable leakage of opinions from the Judges of the Supreme Court of late and we probably all heard as coming from them that they viewed with alarm the rapid absorption and centralization of power in the Cabinet, aided and abetted by the Legislature. Mutual criticism is a fair thing and, while some of the Judges are thus criticising us, it is in order to consider and express our opinions upon their powers and their methods of exercising the same. In considering the criticisms of members of the Supreme Court in regard to other departments and their complete satisfaction with their own, I am forcibly reminded of Robert Burns when he said in effect, "Oh that some friend the gift would gie us to see ourselves as others see I believe that a candid examination will demonstrate that the powers exer-cised and claimed by the Cabinet and Legislature will find their counterpart in the executive and legislative branches of any constitutional government, while the pres ent powers of our Supreme Court mani-festly exceed those of the Judiciary of any other constitutional government on earth-(I am weighing my words). Take, for instance, the Supreme Court of the United States of America. It is a court of enum erated powers, many important powers being vested exclusively in the State Courts of Final Appeal, and with which the United States Supreme Court has no more to do than it has with our Courts. On the other court of appeal on every question of law and fact arising in this Kingdom, in whatever court arising. There is no court like the State courts with which it has to divide its final appellate jurisdiction. Again, compare our Supreme Court with the higher appellate courts of Great Britain and you will find the power of our court is incomparably greater in that it has the power to declare an act of parliament void as contrary to the constitution-a power unknown in Great Britain, where Parlia ment is supreme. In the case of British Colonies, an appeal lies from Colonia courts to the Home Government, while there is no appeal from our Supreme Court. Our Judges, in addition to the power of declaring acts of parliament void as unconstitutional—a power that the Judiciary of Great Britain has not—and in addition to its complete final appellate powers in all questions of law, which the United States Supreme Court has not, has

power of sitting with their colleagues on appeal and casting a vote on the question whether their own decisions shall be sustained or not. I say, therefore, that some of the Judges who are alarmed at the powers exercised by the Cabinet should also feel as much alarm at the powers granted to themselves, exceeding as they do the powers of the judiciary of any other constitutional government that we know We should go slow before casting aside a bill which seeks to check the power of the Court to exercise a censorship over the press as to matters occurring within the judiciary department. The fact is that the power of the Supreme Court in its departnent is almost as absolute under the Constitution and laws as the King was in his department until the new Constitution was promulgated. As long as we had Kings who were content to reign and not rule we supposed we were a constitutional Government, and it was not until we had a King who started in to exercise all the powers that he had under the Constitution, that we woke up, and upon examination found that under the Constitution he was practically an autocrat, and the reason that we had got along with other Kings well enough was not due to any checks under the Constitution but to their own self-restraint. So too with the Supreme Court under the Constitution and the laws, the fact that the coun try has got along all right with the Judi-ciary that it has had is not due to any

check and control under the Constitution and laws, but to the conservatism and selfrestraint of the men that thus far have constituted the Supreme Court. But, Mr. President, the past few years have marked a change in that Court. Extreme power is always bound sooner or later to lead to ex cess, and we now see an aggressive spirit in the Court that, not content with its present excessive powers, would take up and exercise new powers that thus far they have wisely let alone. Under the leadership of Judge Preston, I say, the Supreme Court has by a series of decisions practically muzzled the press upon matters arising in the Judiciary department, for it is not only what they have actually decided but the uncertainty as to what they will decide and how far they will go, that reduces pub lic newspaper men to personal lackeys of the Court, so far as Judicial proceedings are concerned. And we see the spectacle of the editor of a newspaper going privately to the Chief Justice of this Kingdom and asking him if he could publish to us, the citizens, a certain article inveighing against the introduction of certain Chinese women into this Kingdom for purposes of prostitution-the procurer of these women being up for perjury. The Judge being one to whom such practices are especially offen sive, gave his permission that the public should have the benefit of the article, but later on had to find the editor guilty at the

instance of the procurer's attorney, of con-tempt within the rule they themselves had set up for articles less calculated to enlist their sympathies. There are other reasons why I believe that this power of constructive contempt is a dangerous one to place in the bands of the Judges. Some of the Judges with all the powers that they have under the Constitution do not seem to be able to confine themselves to their duties as Judges. Their views and comments on legislation and politics are too frequently heard. I be-lieve the day is not very far distant when the political issues will cease to be with the King and waning palace party and that serious differences people at large and the Supreme Court it-We thought it sufficiently important to demand of the King last June that he enter into covenant with his people, not thereafter to attempt to influence lation or legislators. A similar undertak-ing by some of the Judges, it seems to me, would now be in order, and I hope the day is not far distant when any Judge detected in using his influence, however justly he may think, for or against legislation (except by open message to the House or before its committees) will be impeached for doing so. I charge that Judge Preston matters in litigation before him or the Court and on matters not actually before the Court, when it was his duty as a Judge to keep silent. If he thinks I am doing to keep shell. If he thinks I am doing him an injustice, he certainly has the right to demand a legislative investigation. It is these facts, i. e., the large powers now given to the Judges and their encroachment into outside matters upon which it is but just to the whole community that the should keep themselves absolutely uncom mitted and as far as possible impartial that lead me to vote that the press shall be allowed in a reasonable and fair way to lay before the public what actually transpires from day to day in all the Courts of the Kingdom, subject to the present restraints of an action civil and criminal, against any

already resulted in giving them an im-munity from all public criticism that is not healthy either for the Court or the country at large. Noble Dole moved the aves and noes be taken on the passage of the bill. Carried. Rep. Nabaleka was in favor of the indef inite postponement of this bill. He had heard no reasons advanced by those in favor of it, why the newspapers should be allowed to publish cases before the Courts with any comments they might please to make on them. There is no harm in making them wait until after the decision is

editor who misrepresents or partially re

ports the same. The Judges will have full power to protect themselves against all

ctual contempts; but in addition to this

tain region of constructive contempts has

to allow them to embark into the uncer

given for the report of the proceedings.

Rep. C. Brown said when the bill was introduced, he was in favor of it, but he had changed his mind since. As he understood the bill, all papers filed in a suit may be published to the prejudice of the rights of clients. At 12:26 the House took recess.

Afternoon.

Re-assembled at 1:30 o'clock.

The Contempt bill continued. Noble Smith was in favor of the bill. The limitations of our present law apply solely to the term of imprisonment and the amount of the fine to which persons convicted shall be sentenced. The law in California has twelve enumerations setting forth what acts shall constitute contempt. Here it is left absolutely in the power of the Court. This bill does not interfere in the least with the inherent right of the Court to protect itself in regard to con-tempt. This law says that it shall be lawful for newspaper men, if they see fit to put it in the power of their readers to read what everybody has a right to hear in the Courts of the Kingdom. It does not in the remotest way interfere with the power of the Court to punish for actual contempt. The Court here has tremen-dous powers. This bill is occasioned by the judges putting a wrong construction on their power. There is only one step that the Court could go further than it has gone to close up the newspapers altogether, as they do in Russia.

Minister Austin said he supported the bill heartily. He believed it a necessity that the people of the country should have some protection from an unlimited exer-cise of power by the Court.

Minister Ashford said he had earned the lasting gratitude of the gentlemen of the press by the progressive attitude he had taken on this bill, he hoped they would have the magnanimity not to snow him Members should not be misled by Minister Thurston's eloquent tongue that is tipped with silver but steeped in gall. For himself, he took great consolation from the fact that the Judges, precedents and authorities were all on his side. He could not but admire the courage of Rep. Kinney although it was a courage without The hon, member reminded him of tion. Tam O'Shanter's wife Kate, as represented by the poet Burns:

sitting at hame Knitting her brows like gath ring storm Nursing her wrath to keep it warm.

Kingdom and in all equity suits, with the With regard to the decisions of the Court, he would ask, have they gone beyond the law? Have they oppressed anyone? Have they wronged anyone? (Yes! Yes! Yes! from different parts of the House.)

An attorney, if this bill passes, may file an absolutely false, malicious and slander-ous declaration which a paper can publish

ous declaration, which a paper can publish with impunity. In order to put some degree of restraint or repression on the press, he opposed the bill.

Rep. Kinney asked the special attention of the House to the Attorney-General's opinion that this Act does not interfere with the punishment of persons publishing one-sided accounts of proceedings or of matter that is immoral. There is no ex-cuse in this country for such rulings as those referred to. There is no danger of juries being dangerously influenced by what appears in newspapers. There is lots of horse sense and common sense in the average man. The New York boodlers would never have been exposed if they could have had an embargo put on the press. Where is Sharp? Gone to glory, press. Where is Sharp? Gone to glory, and the newspapers sent him there. Noble Townsend said the question is, are

we or are we not to have a free press? He supported this bill.

Indefinite postponement was put and lost on the following division: Ayes—Ashford, Luhiau, Naone, Kauhi, C. Brown, Kamauoha, Daniels, Heleku-nihi, Gay, Nakaleka, Pachaole—11.

Noes — Austin, Thurston, Robinson, Young, Jaeger, Smith, Waterhouse, Foster, Wight, Notley, Wall, Townsend, Hitch-cock, Baldwin, Bailey, Makee, Dole, Hustace, Kalaukoa, F. Brown, Deacon, Kamai, Kinney, Maguire, Paris, Nawahine, Horner, Kawainui, A. S. Wilcox, Rice

Duties of Governors-Third reading of the bill to provide for the performance of duties heretofore pertaining to the office of Governor. Passed on the following di-

Ayes-Austin, Thurston, Ashford, Rob-Ayes—Austin, Hurston,
Young, Jaeger, Waterhouse, Foster,
Luhiau, Wight, Notley, Wall, Townsend,
Hitchcock, Baldwin, Bailey, Dole, Hitchcock, Baldwin Bailey, Dole, Hustace, Kalaukon, Deacon, Kamai, Maguire, Kauhane, Paris, Nawahine, Hele-kunihi, Horner, Kawainui, A. S. Wilcox,

Noes-Smith, Richardson, Makee, Naone, Kauhi, C. Brown, F. Brown, Daniels,

Gay, Nakaleka—10.

Coffee.—Second reading of the Cultivation of Coffee bill. Passed to engrossment to be read a third time on Friday.

Spirituous Liquors.—Second reading of the bill to better prevent illicit traffic in spirituous liquors. Passed with amendspirituous liquors. Passed, with amendments, to be read a third time on

RESOLUTION. Minister Thurston moved that the Clerk deliver the bill, passed July 12, to abolish the office of Governor, to the Minister of Foreign Affairs, for transmission to His Majesty. Carried.

BILLS AWAITING APPROVAL. Minister Austin reported four bills deliv-ered to the King for signature. REPORTS OF COMMITTEES.

Noble Smith read the report of the Judiciary Committee on the bill for the Re-organization of the Judiciary. Recom-mend a new bill providing that any va-cancy that may occur in the Court will not be filled so as to make the number of Judges more than three, and that the Judiciary bill be postponed until next Legislature. Adopted, and the new bill read a first time.

Rep. Pachaole read a report of the Education Committee on the petition for new school houses at Puna. Recommend the petition be laid on the table. Adopted.

ACT APPROVED." Minister Austin reported an Act signed by the King: To give greater security to depositors in the Hawaiian Postal Savings Bank. Adjourned at 5 o'clock, to 10 o'clock

A vertisements.

Thursday morning.



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